

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAY SANTANA and BRENDAN DUFFY,

Plaintiffs,

Case No. 7:20-cv-03212-(NSR)

-v-

NOTICE OF MOTION

MOUNT VERNON CITY SCHOOL
DISTRICT/BOARD OF EDUCATION; KENNETH
HAMILTON, Superintendent of Schools; DENISE
GAGNE-KURPIEWSKI, Assistant Superintendent
for Human Resources; FELICIA GAON, Director of
Student Services; RONALD GONZALEZ, Mount
Vernon High School Principal; PAULINE
PALMER-PEARCE, Mount Vernon High School
Assistant Principal; ERICA NAUGHTON, Mount
Vernon High School Mathematics Department
Supervisor; SATISH JAGNANDAN, District
Supervisor of Mathematics and Science.

Defendants.

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PLEASE TAKE NOTICE, that upon the accompanying Declaration of Gerald S. Smith
and attached exhibits as well as the accompanying Memorandum of Law in Support, Defendants
MOUNT VERNON CITY SCHOOL DISTRICT/BOARD OF EDUCATION, KENNETH
HAMILTON, DENISE GAGNE-KURPIEWSKI, FELICIA GAON, RONALD GONZALEZ,
PAULINE PALMER-PEARCE, ERICA NAUGHTON and SATISH JAGNANDAN, will move
before this Honorable Court on a date and time to be decided by this Court:

- 1) For an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure
dismissing this action for failure to state a claim upon which relief can be granted
against all Defendants; and

2) For such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that Plaintiffs' opposition is due to be served on or before October 30, 2020 and the defendants' reply is due to be served and filed on or before November 16, 2020, in accordance with this Court's previously ordered briefing schedule.

Dated: White Plains, New York
September 30, 2020

Respectfully Submitted,

SILVERMAN & ASSOCIATES

By: 

Gerald S. Smith
Attorneys for Defendants
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White Plains, New York 10601
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To: **VIA ECF and EMAIL**

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